

State of South Dakota

EIGHTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2011

529S0328

HOUSE BILL NO. 1048

Introduced by: Representatives Olson (Betty), Brunner, Greenfield, Jensen, Kirkeby, Nelson (Stace), Russell, Schrempp, Steele, and Verchio and Senators Maher, Bradford, Lederman, Rhoden, and Sutton

1 FOR AN ACT ENTITLED, An Act to provide for the distribution of the proceeds of certain
2 civil fines and civil penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. Any statutory civil fine or civil penalty, howsoever denominated, constitutes a
5 fine within the meaning of S.D. Const., Art. VIII, § 3, and the proceeds from all civil fines and
6 civil penalties shall be distributed to the schools as constitutionally provided unless the civil fine
7 or civil penalty:

8 (1) Constitutes an actual reimbursement to the state for an equivalent expense incurred
9 in the enforcement of statute or rule; and

10 (2) Is specifically imposed as an actual reimbursement to the state for an equivalent
11 expense incurred in the enforcement of statute or rule by a judge, magistrate, or
12 hearing examiner with appropriate jurisdiction.

